

State of Michigan

PROBATE JUDGES
LINDA S. HALLMARK
EUGENE ARTHUR MOORE
DANIEL A. O'BRIEN
ELIZABETH PEZZETTI



PROBATE ADMINISTRATOR
REBECCA A. SCHNELZ
PROBATE REGISTER
JILL KONEY DALY

Probate Court County of Oakland

June 3, 2010

Chief Justice Marilyn J. Kelly
Michigan Supreme Court
P.O. Box 30052
Lansing MI 48909

RE: ADM File No. 2010-08

Dear Chief Justice Kelly:

The Oakland County Probate Court bench has reviewed Proposed Administrative Order No. 2010-X regarding modifications to the Caseflow Management Guidelines. We have also reviewed the proposed language change suggested by the Michigan Judges Association in relation to the second paragraph in the middle of page two (directly following subsection B) and wish to specifically add our support to the language suggested by the MJA in regard to the disclosure of information.

In addition, we would like to reiterate some of the suggestions made by our Probate Register, Jill Koney Daly, during the workgroup session that was held regarding the guidelines.

A. Estate, Trust, Guardianship, and Conservatorship Proceedings

While it is true that the majority of cases in this area resolve quickly or after limited litigation, it is a more reasonable expectation that the 100% guideline be set at a length similar to civil litigation. Especially in the area of estates and trusts, litigation can center around complex issues that require extensive discovery. There are often significant pre-trial issues regarding the current management of assets as well that can delay the main litigation. Issues with the IRS can take months to resolve. It is understood the time periods in the Administrative Order are intended to be guidelines, not deadlines, and that a judge has discretion regarding individual cases. However, guidelines should accurately reflect the reality of the litigation.

B. Mental Illness Proceedings

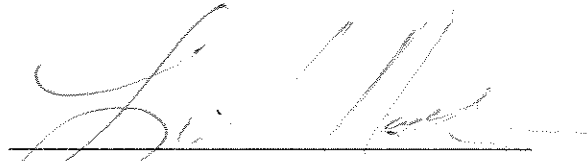
It is suggested that the 100% time limit be extended beyond 28 days to accommodate the inclusion of Assisted Outpatient Treatment (Kevin's Law) petitions. There is no statutory time limit for hearing a Kevin's Law petition after it has been filed. These individuals are, by definition, out in the community and can be difficult to locate for the required evaluation and for their attorney to meet with them. As a result, we have found it necessary to provide extra time between the filing of the petition and the hearing in these cases. A time limit beyond 28 days is suggested to allow for sufficient time to address any necessary adjournments or other issues that arise.

We appreciate your thoughtful consideration of our comments and appreciate the opportunity to provide feedback.

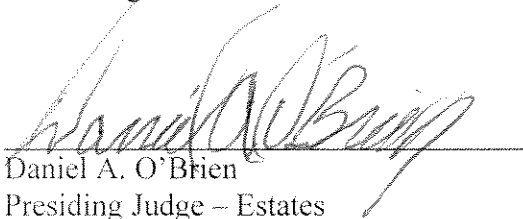
Sincerely,



Eugene Arthur Moore
Chief Judge



Linda S. Hallmark
Chief Judge Pro Tem



Daniel A. O'Brien
Presiding Judge – Estates



Elizabeth Pezzetti
Presiding Judge-Family Division